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OGC 73-2358

28 December 1973

Charles R. Esherick, Esq.
Trial Attorney, Antitrust Division
Department of Justice
10th Street and Pennsylvania Avenue
Washington, D.C. 20530

OGC Has Reviewed

Dear Mr. Esherick:

Re: U.S. v. International Business Machines Corporation

In answer to IBM's request that our listings of withheld documents forwarded to you with my letter of 6 December 1973 be made a little more descriptive, I hope the following information will be helpful.

The listings supplied as attachments 1 and 2 to that letter are marked in the upper left-hand corner, OFFICE: PSD and OFFICE: OTS, respectively. In those listings under the column headed "DOCUMENT," two standard descriptions are frequently used. These are "business justification" and "procurement request" or "procurement requisition." These refer to standard forms which can be described as follows:

business justification form

This form is used to record appropriate administrative data regarding each contract or amendment. Such data includes contractor's name, address, contract number, funds, security classification, etc. It also includes a description of the procurement reasons for contractor selection, price or cost analysis and negotiation results, reasons for type of contract, and any special provisions or any other problems encountered in the negotiation.

procurement request and/or requisition

These are pre-printed forms by which an office may request procurement services. The forms generally include a description of the services or supplies required, the funding or estimated cost, and other administrative data. It will sometimes indicate recommended source or manufacturer.

I hope the above information is helpful.

Sincerely,

STATINTL



Associate General Counsel

JDM:ks

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